

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CIVIL CASE NO. 1:10cv264

MAX BAILEY; MARGARET DALTON;)
CASEY JOE HUNTLEY, as personal)
representative of the Estate of CARLTON BILL)
HUNTLEY, deceased; K.C., by his mother and)
next friend, Margaret Dalton; A.D., by her)
grandmother and next friend, Margaret Dalton;)
and STEVE MARLOWE,)

Plaintiffs,)

vs.)

POLK COUNTY, NORTH CAROLINA; POLK)
COUNTY SHERIFF'S DEPARTMENT; MATT)
PRINCE; TRENT CARSWELL; CHRIS ABRIL;)
CHARLES GRADY SHEHAN; UNKNOWN)
POLICE OFFICERS; and OTHER UNKNOWN)
STATE AND FEDERAL LAW ENFORCEMENT)
AGENCIES,)

Defendants.)

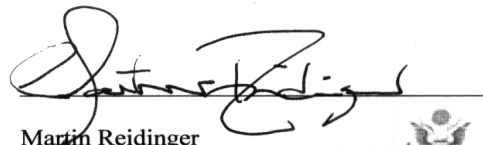
J U D G M E N T

For the reasons stated in the Memorandum of Decision and Order entered contemporaneously herewith,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the Plaintiffs' Motion for Reconsideration of Memorandum of Decision and Order Denying Plaintiffs' Motion for Leave to Amend Complaint [Doc. 36] is **DENIED**;

Plaintiff Huntley's claims for false arrest under 42 U.S.C. § 1983 and for false arrest and imprisonment under North Carolina law are **ABATED**; Plaintiff Huntley's remaining state law claims for assault, battery, and intentional infliction of emotional distress are **DISMISSED WITHOUT PREJUDICE**; and Plaintiffs' Motion for Entry of Default against Defendant Charles Grady Shehan [Doc. 39] is **DENIED AS MOOT**, and all claims against Defendant Shehan are hereby **DISMISSED**.

Signed: January 13, 2012



Martin Reidinger
United States District Judge

